

HOUSE BILL NO. 1224

Introduced by

Representatives Ruby, Bellew, Kretschmar, Metcalf

Senators Mathern, Tollefson

1 A BILL for an Act to amend and reenact subsection 3 of section 39-08-01 and section
2 39-08-01.3 of the North Dakota Century Code, relating to the impoundment of number plates
3 and motor vehicles for driving while under the influence.

4 **BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:**

5 **SECTION 1. AMENDMENT.** Subsection 3 of section 39-08-01 of the North Dakota
6 Century Code is amended and reenacted as follows:

7 3. Upon conviction, the court may order the department to impound the motor vehicle
8 number plates of the motor vehicle ~~owned and~~ operated by the offender and in
9 which the offender has any interest as an owner on the certificate of title for the
10 motor vehicle at the time of the offense ~~to be impounded~~ for the duration of the
11 period of suspension or revocation of the offender's driving privilege ~~by the~~
12 ~~licensing authority~~. If the conviction is the second conviction in five years or the
13 third or fourth conviction in seven years, however, the court shall order the
14 department to impound the motor vehicle number plates of the motor vehicle
15 operated by the offender and in which the offender has any interest as an owner on
16 the certificate of title for the motor vehicle at the time of the offense for the duration
17 of the period of suspension or revocation of the offender's driving privilege. If the
18 court orders the plates be impounded, the court shall obtain possession of the
19 plates. The impounded number plates must be sent to the director who ~~must~~ shall
20 retain them the plates for the period of suspension or revocation, subject to ~~their~~
21 ~~disposition by~~ the order of the court.

22 **SECTION 2. AMENDMENT.** Section 39-08-01.3 of the North Dakota Century Code is
23 amended and reenacted as follows:

1 **39-08-01.3. Alcohol-related traffic offenses - Ignition interlock devices and the**
2 **seizure, forfeiture, and sale of motor vehicles.**

3 1. A motor vehicle owned and operated by a person upon a highway or upon public or
4 private areas to which the public has a right of access for vehicular use may be
5 seized, forfeited, and sold or otherwise disposed of pursuant to an order of the
6 court at the time of sentencing if the person is in violation of section 39-08-01 or an
7 equivalent ordinance and has been convicted of violating section 39-08-01 or an
8 equivalent ordinance at least one other time within the five years preceding the
9 violation.

10 2. For the fifth conviction for a violation of section 39-08-01 or an equivalent
11 ordinance within seven years, the court shall order a motor vehicle operated by the
12 convicted person and in which the convicted person has any interest as an owner
13 on the certificate of title for the motor vehicle to be seized, forfeited, and sold or
14 disposed of by other means.

15 3. The court may also require that an ignition interlock device be installed in the
16 person's vehicle for a period of time that the court deems appropriate.